IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5177 of 1995

Between:

C. Raghunath Raj S/o Venkata Ranga Raju
Advocate, R/o 7-1-212/2, Ameerpet, Hyderabad.

..... PETITIONER

AND

1 The Assistant City Planner, Circle V,

Hyderabad Municipal Corporation, Khairtabad, Hyderabad.
2 Sri D. Narender Raj
H.No.8-6-965, Balagunj, Laldarwaza, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the 1st Respondent in issuing the show cause notice dt:8-3-1995 as arbitrary, illegal and opposed to all cannons of justice and fair play and directing the Respondents not to interfere with the petitioner's possession and enjoyment of Plot No.34, House
No.7-1-636/34, at Model Colony, G.K.Guda, Erragadda, Hyderabad.

Counsel for the Petitioner: MR. T.S.ANAND

Counsel for Respondent No.1: MR. C.R.PRATAP REDDY and Smt. G.Jyothi Kiran, Standing Counsel.

Counsel for Respondent No.2: MR. C.POORNAIAH

The Court made the following:

ORDER:

This writ petition is filed questioning the show cause notice dated 8-3-1995 issued by the 1st respondent under Section 450 of the Hyderabad Municipal Corporation Act, 1955.

A reading of the said notice indicates that it is issued pursuant to the complaint filed by the 2nd respondent – D.Narender Raj on 7-3-1995.

When the matter has come up for hearing, the learned counsel for the petitioner produced an agreement arrived between the petitioner and the 2nd respondent on the advice of the elders. Inasmuch as the impugned proceedings, is a show notice, this Court cannot adjudicate with regard to the merits of the same at this stage.

In the circumstances, taking note of the subsequent events, I dispose of the writ petition permitting the petitioner to file further explanation, if any, to the show cause notice, within six weeks from the date of receipt of a copy of this order, along with a copy of the agreement said to have been entered into between the petitioner and the 2nd respondent and any other relevant material. It is equally open for the 1st respondent to consider the same in accordance with law. Interim stay granted by this court on 20-3-1995 shall remain in force, till appropriate final orders are passed in the matter and communicated to the petitioner. No costs.

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9-12-2004

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To

1. The Assistant City Planner, Circle V, Hyderabad Municipal Corporation,

Khairatabad, Hyderabad.

2. Two CD copies.